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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,892	12/03/2004	Eros Stivani	2545-0461	8636
7590 Harbin King & Klima 500 Ninth Street SE Washington, DC 20003			EXAMINER TRUONG, THANH K	
		ART UNIT 3721	PAPER NUMBER	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/30/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/516,892	STIVANI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Thanh K. Truong	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 November 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12-3-04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This action is in response to applicant's amendment received on November 16, 2006.
2. Applicant's cancellation of claims 2 and 16-24 is acknowledged.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 3-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the relative line" in lines 19-20. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the first notch" in line 21. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dachman et al. (5,935,686) in view of Guidot et al. (EP 957043).

Dachman et al. discloses a method comprising the steps of:

advancing a continuous strip (30) of wrapping material having at least two bands (12, 14) of adhesive extending parallel with its longitudinal dimension along a predetermined path;

cutting the strip transversely along dividing lines (18) to obtain a plurality of leaves (20) each has longitudinal edges;

associating at least one product (16) substantially central area of each leaf;

folding each leaf around a relative product and bringing together the two longitudinal edges to form a tubular sheath (figures 7a-7c and 8a-8c);

closing the ends of the tubular sheath to obtain a wrap (figure 9).

Dachman et al. discloses the claimed invention, but it does not expressly disclose the step of forming an easy tear along the longitudinal edges of the leaf (20).

Guidot et al. discloses a method of making a product wrap, wherein it includes the step of forming an easy tear (7-13 and 15 – figures 2, 4-11 and 13-29) along the longitudinal edges of the leaf (1). Guidot et al. method provides a package that is easy to opened by hand without any additional aids (column 1, lines 31-34).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Dachman et al. by incorporating the step of forming an easy tear as taught by Guido et al. to provide an easy means to open the wrap package without using any additional aids.

The modified Dachman et al. by Guidot et al. further discloses the steps of: generating, on the easy tear portion, at least one notch (8) (Guidot et al. – figure 6) on each dividing line extending parallel to the longitudinal dimension of the strip (1) and intersecting the relative line, and

generating a second notch (7) intersecting transversely a first notch (7) – Guidot et al. , Figure 4 shows the cuts (V-shaped)-formed by two intersecting notches (or cuts) reference number (7), and it is construed that the V-shaped cut is formed by two notches intersecting transversely as recited in claim 1.

It is further construed that Figures 9 & 10 also show the first (12) and second (11 or 13) notches intersecting transversely on the easy tear portion (as in claim 1).

wherein the continuous strip presents second adhesive bands (24, 26 – figure 5 of Dachman et al.) extending transversely to the longitudinal dimension of the strip (30), each coinciding with a relative easy tear point (figure 4 of Guidot et al. – adhesive bands 5, 6 and notch 7) (as in claim 13);

twisting the ends of the tubular sheath to produce a sealed double twist wrap (22) (figure 9 of Dachman et al.) (as in claim 14); and

applying the first and second adhesive bands to the selfsame strip before the step of generating the notches (as in claim 15).

7. Claims 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dachman et al. (5,935,686) in view of Guidot et al. (EP 957043) and further in view of McBean (2,079,328).

As discussed above in paragraph 6 of this office action, the modified Dachman et al. by Guidot et al. discloses the claimed invention, but did not expressly disclose an indentation and a projection on the opposite longitudinal edges presented by each leaf as recited in claim 3.

McBean discloses a method comprising the step of generating a second notch (22) coinciding with the first notch (14) and serving to creating an indentation (22) and a

projection (20) on the opposite longitudinal edges presented by each leaf (16). McBean method provides a package in which the wrapper can be easily and quickly removed (lines 15-18).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Dachman et al. and Guidot et al. by incorporating the step of creating an indentation and a projection on the opposite longitudinal edges presented by each leaf as taught by McBean to provide a package in which the wrapper can be easily and quickly removed.

the second notch presents an outline substantially of "U" shape (figure 5 of McBean)(as in claim 7);

cutting the strip transversely along the dividing line comprises the subsidiary steps of making two distinct cuts along the selfsame line, each extending from the second notch toward a longitudinal edge of the strip (2) (figure 5 of McBean shows the two distinct cuts extending from the second notch (20) toward the top and bottom edges of the strip) (as in claim 9);

the step of generating at least one first notch (14) parallel to the longitudinal dimension of the strip (2) is implemented before the step of cutting the strip transversely along the dividing line (figure 5 of McBean)(as in claim 10);

establishing an easy tear comprises the step of generating at least on segment (18, 19) of broken line appearance positioned to coincide with the transverse dividing line (figure 7 of McBean)(as in claim 11); and

the broken line segment (18, 19) extends the full length of the transverse cut made across the strip (figure 7 of McBean)(as in claim 12).

Regarding claims 4-6 and 8, the examiner construes that those limitations as recited in claims 4-6 and 8 are the obvious variations of the same invention (if they are distinct inventions, they would have been restricted). Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the method of Dachman et al., Guidot et al., and McBean to include the steps as recited in claims 4-6 and 8, since it is well known and within the general skill of a worker in the art to select a known design configuration or steps on the basis of its suitability for the intended use as matter of obvious design choice.

***Response to Arguments***

8. Applicant's arguments filed November 16, 2006 have been fully considered but they are not persuasive.
9. In response to the Applicant's argument that: "Guidot does not disclose or suggest generating a second notch intersecting transversely the first notch, as required by amended claim 1...", this is not found persuasive, because Guidot clearly discloses "the second notch intersecting transversely the first notch as recited in claim 1 (see paragraph 6 above).

Figure 4 of Guidot shows the cut out (7) is formed by two cuts (or notches) intersecting each other transversely, and furthermore, Figure 9 shows notches (11 & 12) and Figure 10 shows notches (12 & 13) intersecting each other transversely.

10. In response to the Applicant's argument that: McBean "...does not disclose or suggest generating a second notch which intersects transversely the first notch, as required in amended claim 1...", this is not found persuasive for the following reasons:

McBean was relied upon for the teaching of an indentation and a projection on the opposite longitudinal edges presented by each leaf as recited in claim 3.

Although McBean is not relied upon for the teaching of generating a second notch which intersects transversely the first notch as recited in claim 1, figure 7 of McBean clearly discloses the second notch (14) intersecting transversely the first notch (22) as recited in claim 1 – it is construed that notch (14) meets (intersecting) notch (22) transversely at the end of the notch (22).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Niwa (5,613,779) shows in figure 2, notch (1) intersecting transversely notch (3), and Barkhorn (5,445,454) shows in figure 1, the notch (4) intersecting transversely notch (3).

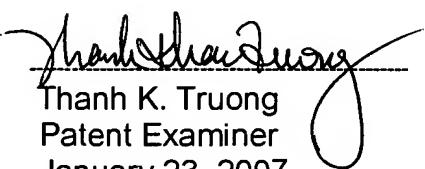
12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Thanh K. Truong  
Patent Examiner  
January 23, 2007.